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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: LENOVO ADWARE LITIGATION,

Case No. 15-md-02624-RMW

This Document Relates To: All Actions

**DECLARATION OF DANIEL J.
STEPHENSON IN SUPPORT OF
LENOVO'S OPPOSITION TO CLASS
CERTIFICATION**

Date: September 23, 2016
Time: 9:00 a.m.
Judge: Ronald M. Whyte
Courtroom: 6, 4th Floor

DECLARATION OF DANIEL J. STEPHENSON

I, Daniel J. Stephenson, under penalty of perjury, hereby declare:

1. I am over the age of 18. I have personal knowledge of the matters asserted herein and could competently testify thereto if called upon to do so.

2. I am lead counsel for Lenovo (United States), Inc. ("Lenovo") in the underlying individual cases and the consolidated MDL known as "In re: Lenovo Adware Litigation," MDL No. 2624.

3. Exhibits 1-38 attached hereto are true and correct copies of documents that are cited in Lenovo's Opposition to Plaintiffs' Motion for Class Certification. Some were originally designated "Confidential," but as to all Lenovo documents and all but three Superfish documents, the designation has been removed. The exhibits are identified in the following table, which also indicates confidentiality status:

<i>Ex. #</i>	<i>Bates # / other ID</i>	<i>Produced by</i>	<i>Confidentiality</i>
1	Lenovo Statement	Lenovo	Not Confidential / Available Online
2	SF_MDL_012425	Superfish	Not Confidential / De-designated
3	LEN-0094971	Lenovo	Not Confidential / De-designated
4	SF_MDL_012368	Superfish	Not Confidential / De-designated
5	SF_MDL_012426	Superfish	CONFIDENTIAL (SF)
6	LEN-0034970-71	Lenovo	Not Confidential / De-designated
7	SF_MDL_007173	Superfish	Not Confidential / De-designated
8	LEN-0056397	Lenovo	Not Confidential / De-designated
9	Lenovo Verified Interrogatory Resps.	Lenovo	Not Confidential / De-designated
10	Lenovo Statement	Lenovo	Not Confidential / Available Online
11	LEN-0049410	Lenovo	Not Confidential / De-designated
12	LEN-0049414-15	Lenovo	Not Confidential / De-designated
13	LEN-0049557-61	Lenovo	Not Confidential / De-designated
14	LEN-0059662-64	Lenovo	Not Confidential / De-designated
15	LEN-0050118-20	Lenovo	Not Confidential / De-designated
16	SF_MDL_000029	Superfish	Not Marked Confidential
17	LEN-0045912-13	Lenovo	Not Confidential / De-designated
18	Pop-up	Lenovo	Not Confidential
19	SF_MDL_013041	Superfish	Not Confidential / De-designated
20	SF_MDL_011047	Superfish	CONFIDENTIAL (SF)
21	LEN-0058501-02	Lenovo	Not Confidential / De-designated
22	SF_MDL_011555	Superfish	CONFIDENTIAL (SF)
23	LEN-0044481	Lenovo	Not Confidential / De-designated
24	LEN-0045980-81	Lenovo	Not Confidential / De-designated
25	LEN-0006121-22	Lenovo	Not Confidential / De-designated
26	LEN-0049288-89	Lenovo	Not Confidential / De-designated
27	LEN-0055896-98	Lenovo	Not Confidential / De-designated
28	LEN-0053949	Lenovo	Not Confidential / De-designated
29	LEN-0053527-29	Lenovo	Not Confidential / De-designated
30	FCC Guide		Not Confidential / Available Online
31	Reviews		Not Confidential / Available Online
32	Reviews		Not Confidential / Available Online
33	Reviews		Not Confidential / Available Online
34	Whittle Dep. Ex. D-47	Plaintiffs	Not Confidential
35	Warranty Lookup		Not Confidential / Available Online
36	Ravencamp Dep. Ex. D-69 (p. 4)	Plaintiffs	Not Confidential
37	Ravencamp Dep. Ex. D-59 (p. 2)	Plaintiffs	Not Confidential
38	Ravencamp Dep. Ex. D-61	Plaintiffs	Not Confidential

1 4. Exhibit 39 is a true copy of transcript excerpts from the deposition of Lenovo 30(b)(6)
2 witness James Hunt.

3 5. Exhibit 40 is a true copy of transcript excerpts from the deposition of Named Plaintiff
4 Jessica Bennett.

5 6. Exhibit 41 is a true copy of transcript excerpts from the deposition of Named Plaintiff
6 Richard Krause.

7 7. Exhibit 42 is a true copy of transcript excerpts from the deposition of Named Plaintiff
8 John Whittle.

9 8. Exhibit 43 is a true copy of transcript excerpts from the deposition of Named Plaintiff
10 Robert Ravencamp.

11 9. Exhibit 44 is a true copy of the redacted version of the expert Declaration of Dr.
12 Thomas R. Varner dated August 19, 2016.

13 10. Exhibit 45 is a true copy of the redacted version of the expert Declaration of Dr. Sam
14 Malek dated August 16, 2016.

15 11. Exhibit 46 is a true copy of the expert Declaration of Dr. Eugene P. Ericksen dated
16 August 16, 2016.

17 12. Exhibit 47 is a true copy of the Declaration of Feng Lee dated August 15, 2016.

18 13. Exhibit 48 is a true copy of the Declaration of Ronen Daniel dated April 2, 2015. This
19 declaration was originally filed in one of the underlying (pre-MDL) suits, *Wood v. Lenovo et al*, No.
20 5-15-CV-77-F (E.D. N.C.).

21 14. Exhibit 49 is a true copy of the Order Denying Class Certification in *Dzieciolowski v.*
22 *DMAX Ltd.*, No. 15-2443-AG (C.D. Cal. April 27, 2016), cited in Lenovo's Opposition to Plaintiffs'
23 Motion for Class Certification. As of the date of this Declaration, the decision in *Dzieciolowski* has
24 not been published by West or Lexis.

25 15. Exhibit 50 is a true copy of the Memorandum Decision and Order granting
26 defendant's motion to dismiss in *In re Sling Media Slingbox Advertising Litig.*, No. 15-cv-05388
27 (GBD) (S.D.N.Y. August 12, 2016), cited in Lenovo's Opposition to Plaintiffs' Motion for Class
28

1 Certification. As of the date of this Declaration, the decision in *Slingbox* has not been published by
2 West or Lexis.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is true
4 and correct to the best of my knowledge, information and belief.

5 //

6 Executed this 19th day of August, 2016, at Los Angeles, California.

7
8 By: /s/ Daniel J. Stephenson
Daniel J. Stephenson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19th day of August, 2016, a true and correct copy of the foregoing document: **DECLARATION OF DANIEL J. STEPHENSON IN SUPPORT OF LENOVO'S OPPOSITION TO CLASS CERTIFICATION** was served on all counsel of record who have consented to electronic service via the Court's CM/ECF system. Any other counsel of record who have not registered as an ECF user will be served by facsimile transmission or first class mail.

/s/ Daniel J. Stephenson

Daniel J. Stephenson